

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMNANG SUY,

Petitioner,

vs.

CHERYL K. PLILER, Warden,

Respondent.

No. 2:02-cv-02765-JKS-EFB

ORDER

Petitioner, a state prisoner proceeding *pro se*, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On November 21, 2007, the Magistrate Judge filed Findings and Recommendations, which were served on all parties and which contained notice to all parties that any objections to the Findings and Recommendations were to be filed within twenty days. No objections to the Findings and Recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this Court has reviewed the record on its face and finds no clear error.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The Findings and Recommendations filed November 21, 2007, are adopted in full;
2. Petitioner's application for a writ of habeas corpus is DENIED; and
3. The Clerk of the Court to enter final judgment accordingly.

**IT IS FURTHER ORDERED THAT** the Court declines to issue a Certificate of Appealability. 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (a COA should be granted where the applicant has made "a substantial showing of the denial of a constitutional right," *i.e.*, when "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues

presented were adequate to deserve encouragement to proceed further” (internal quotation marks and citations omitted)). All federal constitutional issues properly raised in the petition were either addressed by the California Court of Appeal in its decision or deemed addressed by the California Supreme Court in denying Petitioner’s petition for review before that court and no reasonable jurist could find that those decisions were “objectively unreasonable.” Any further request for a Certificate of Appealability must be addressed to the Court of Appeals. *See* Fed. R. App. P. 22(b); Ninth Circuit R. 22-1.

Dated: February 21, 2008

s/ James K. Singleton, Jr.  
JAMES K. SINGLETON, JR.  
United States District Judge